

KEVIN ALMY,	)	
	)	
Plaintiff,	)	2:12-cv-00129-JCM-VCF
	)	
vs.	)	
	)	
D. DAVIS, <i>et al.</i> ,	)	<b>ORDER</b>
	)	
Defendants.	)	
	/	

**I. Motion for order to permit reply to defendants' opposition (doc. # 59)**

First, plaintiff requests an opportunity to file a reply to defendant's opposition to plaintiff's motion for a preliminary injunction. (Doc. # 59). The motion for preliminary injunction was filed September 19, 2012. (Doc. # 21). Defendants responded on October 3, 2012. (Doc. # 23). Replies were due by October 13, 2012. Provided plaintiff's current incarceration, the court permitted an additional month for plaintiff to file a reply. The court issued its order denying the preliminary injunction on November 14, 2012. (Doc. # 51).

1 On November 21, 2012, plaintiff filed his reply. (Doc. # 57). Reply briefs are optional and not  
 2 mandatory, but if one is to be filed, it must be filed by the deadlines set forth. However, in good faith,  
 3 the court has reviewed plaintiff's untimely reply.<sup>1</sup>

4 After having reviewed the reply and considered the contents therein, the court's order denying  
 5 the preliminary injunction (doc. # 51) stands.

## 6 **II. Motion to extend time to respond (doc. # 60)**

7 Second, plaintiff requests an extension of time to file an opposition to defendants' partial motion  
 8 to dismiss (doc. # 27). Defendant represents that he has not been served a copy of the motion. Although  
 9 the court has already *sua sponte* granted a one-month extension of time for defendant to respond, the  
 10 court finds that additional time is warranted.

## 11 **III. Conclusion**

12 Accordingly,

13 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for  
 14 order to permit reply to defendants' opposition (doc. # 59) be, and the same hereby is, GRANTED.<sup>2</sup>

15 IT IS FURTHER ORDERED that plaintiff's motion to extend time to respond (doc. # 60) be,  
 16 and the same hereby is, GRANTED.

17 IT IS FURTHER ORDERED that defendants serve another copy of the partial motion to dismiss  
 18 (doc. # 27) on plaintiff on or before December 3, 2012. To comply, defendants need only mail the  
 19 motion to plaintiff by this date.

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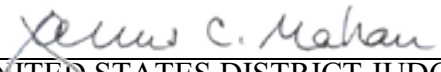
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23  
 24 <sup>1</sup> Plaintiff represents that he did not receive defendants' opposition until November 7, 2012. (Doc. # 57, 2:4-7). The  
 25 court is aware of the sluggish pace at which correspondence is received and sent through the prison mail system. And the  
 26 court has afforded a generous amount of time to accommodate these circumstances (as demonstrated by this court *sua sponte*  
 providing plaintiff with an additional month to respond to defendant's partial motion to dismiss).

<sup>2</sup> The reply was filed as doc. # 57. The court has considered the reply and finds that its current order on the  
 preliminary injunction (doc. # 51) stands.

1 IT IS FURTHER ORDERED that plaintiff shall have up to, and including, January 31, 2013, to  
2 file an opposition.<sup>3</sup> The opposition will be considered filed on the date of mailing.

3 Dated November 28, 2012.

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6 UNITED STATES DISTRICT JUDGE  
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<sup>3</sup> The court bases this deadline upon prior history in this case.